

USSN: 09/693,770
Attorney Docket No. 55839US002
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Remarks

Claims 1-36 are pending in the application. Claims 22-36 are withdrawn based on a restriction requirement and have been cancelled.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejects claims 1-8, 12, and 16-18 under 35 U.S.C. § 102(b) as anticipated by the disclosure of U.S. Pat. No. 4,888,225 to Sandvig. The Examiner asserts that the '225 reference discloses in Figures 9A and 9B "a custom footbed comprising a substrate 54, having an upper surface with contours . . . , a depression . . . and a compressible wound spacer 52."

Applicants respectfully traverse. The compressible wound spacer of Sandvig '225 is actually a curable conformable orthotic with reinforcing support from a curable foam, 54 (col 18, line 14). Upper surface 52 of the '225 reference is a curable resin foot orthotic (col 18, lines 1-9) formed to the contour of the foot then cured to a "rigid foot orthotic shell" (col 18; lines 13). The substrate 54 is a curable foam support that compresses and supports the contours of the orthotic 52. Figure 9 fails to indicate any depressions in the upper surface 52 where the substrate does not conform to the contour of the foot.

Because the '225 reference fails to teach or disclose the use of cavities or depressions in a custom footbed, Applicants respectfully assert rejected claims 1-8, 12, and 16-18 are patentable over its disclosure.

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejected claims 9-11, 13, and 19-20 under 35 U.S.C. § 103(a) as obvious over '225 in view of USPN 5,002,047 ('047). The Office Action recognizes that '225 fails to disclose a contact layer attached to the upper surface of the substrate, and relies on '047 for that disclosure. For the reasons given above, adding the contact layer of '047 does not cure the deficiencies of the '225 reference. Reconsideration and withdrawal of the § 103(a) rejections based on the above references are requested.

Respectfully submitted,

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